

**In The Matter Of:**  
*WALTER ELAM v.*  
*CONCOURSE VILLAGE, INC.*

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*LETITIA BOWRY*  
*May 25, 2016*

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*Cindy Afanador*

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1                           L. BOWRY

2                           Q.       So I'll ask again, have you  
3                           seen this document before?

4                           A.       Yes.

5                           Q.       When did you see it?

6                           A.       (No audible answer.)

7                           Q.       I'm sorry. Can you answer the  
8                           question without looking at it?

9                           A.       Okay. I think it was in --  
10                          between April and May.

11                          Q.       Of what year?

12                          A.       2016.

13                          Q.       I'm directing your attention to  
14                          page ten of the document. Is that your  
15                          signature?

16                          A.       Yes.

17                          Q.       Did you provide the answers  
18                          that were contained in this document?

19                          A.       Yes.

20                          Q.       And when you provided those  
21                          answers were they true and correct?

22                          A.       Yes.

23                          Q.       Did you read any witness  
24                          statements before the deposition?

25                          A.       No.

1 L. BOWRY

2 They said you are the best president that  
3 Concourse Village ever had, we need your  
4 help, don't you see we're going down.

5 Q. They missed you?

6 A. And I told them -- I said, no.

7 Q. What were some of the  
8 complaints that the shareholders were  
9 bringing you?

10           A.       The floors were dirty, the  
11 grounds were dirty. We have people that  
12 are walking in our buildings, don't have  
13 the keys, don't live here, situation like  
14 that.

15 Q. And by people walking in  
16 without keys, are you referring to  
17 strangers?

18 A. Yes.

Q. Non-residents?

## 20 A. Non-residents.

21 Q. Non-employees?

## 22 | A. Non-employees.

23 Q. Just some people off the  
24 street?

25 A. Know people in the building and

1 L. BOWRY

A. Yes, maintenance also.

3 Q. Both maintenance?

4 A. Yes.

5 Q. And to whom do they report?

6 A. They report to Mr. James.

7 Q. Does anybody else report to  
8 Mr. James directly?

9                   A.       I would like to say maintenance  
10                  men.

11 Q. The maintenance men you're  
12 referring to are those who are under Calvin  
13 Reed?

A. Under both of them, Calvin and  
Mr. Walter.

16 O. And Walter?

17 A. Yes.

18 Q. Is there a current stockroom  
19 supervisor?

20           A.       Yes, well, he's a stockroom  
21       clerk, not a supervisor.

22 Q. So the title is a stockroom  
23 clerk?

24 A Yes

Q. Where does the stockroom clerk

1 L. BOWRY

## 2 work?

3           A.       Where does he work, inside the  
4 stockroom.

5 Q. Does anybody else work inside  
6 the stockroom?

A. No, not as far as I know.

8 Q. And who is the current  
9 stockroom clerk?

A. I can't remember his name.

11 Q. Okay.

12 A. And I know him.

13 Q. It happens.

14                   In your thirty years at  
15 concourse has the stockroom clerk ever had  
16 another title?

17           A.       The only thing that I know um,  
18 supervisor, supervisor.

19 Q. The stockroom clerk was once  
20 the supervisor?

21 A. Yes.

22 O. When did that title change?

23           A.       When that title change -- I  
24       think when he was terminated.

Q. He, you mean Walter Elam?

L. BOWRY

regulations written anywhere?

A. I am not certain.

Q. Have you ever seen them?

A. I am not certain that I have.

Q. Do these rules cover performance guidelines?

A. I would like to think so due to management have pointed out men to me that he thought was very well in that capacity of, you know, maybe getting an increase or something of that sort because their performance was good.

Q. But you never have seen any written document of Concourse performance policies?

A. I can't remember that I ever saw one, no.

Q. Okay. What about sick leave policy, are those written anywhere?

A. I'm quite certain there is, but I'm not privy to that. I was not privy to that and I don't know anything about that.

Q. What do you mean when you say  
that you were not privy to Concourse's sick

1 L. BOWRY

2 | A. No.

3 Q. How about discrimination  
4 policy?

5                   A.         Oh, no.    We don't do that  
6 there.

7 Q. You don't have a discrimination  
8 policy?

9                   A.        I'm quite certain they probably  
10      have, but, you know, I'm not aware of that.

11 Q. You've never seen it before?

A. I've never seen it, no.

13 Q. And like the sick leave and the  
14 performance policy, it wouldn't be  
15 something that you would look for?

16 A. NO.

17 Q. What about medical leave  
18 policy?

19           A.       No, the only medical leave --  
20        medical policy that I was involved in as a  
21        board president was Calvin Reed to renew  
22        his health coverage. That's it.

23 Q. Okay. Is there an employee  
24 handbook? Are you familiar with that  
25 concept?

1 L. BOWRY

A. They were the management agent.

3 Q. The management agent?

4 A. Yes.

5 Q. How long have they been the  
6 management agent?

7           A.       Before I got on the board, I  
8 say, approximately, three to four years.

9 Q. Do you know who the management  
10 agent was before that?

11           A.       I know the manager, Ms. Des,  
12       but I can't remember the company's name.

13 Q. Okay.

14                  A.        But that was before I got on  
15                  the board.

16 Q. And are you -- did you say  
17 that Inn Companies won't be the managing  
18 agent sometime soon?

19 A. Yes, yes.

Q. Why is that?

21           A.       Their performance was not up to  
22 par for what we expect at Concourse  
23 Village.

Q. What did they do wrong?

## 25 A. What they didn't do wrong?

L. BOWRY

2 Q. What would be the easier way  
3 for you to answer that?

4           A.       A lot of things that was not  
5 right that, you know, that we have spoken  
6 about -- that, you know, we had expected  
7 better and it was not done --

8 Q. Who should have done a better  
9 job?

10           A.       Inn should have done a better  
11       job for the corporation.

Q. Any employees in particular?

13           A.       No, just Inn should have put  
14       down their laws to the employees that work  
15       in Concourse Village and say what they  
16       expect and what they didn't expect.

Q. So you can't identify a particular Inn employee who made mistakes?

19 A. NO.

20 Q. Did She rill Henry make any  
21 mistakes?

22           A.       Well, you know we all do make  
23 mistakes but Ms. Henry was good. Ms. Henry  
24 was a good employee.

25 O. For the sake of this

1                           L. BOWRY  
2 conversation, when I say "make mistakes"  
3 I'm just referring to performance not being  
4 up to par?

5                           A. No, her performance was up to  
6 par.

7                           Q. And Len Jones, was his  
8 performance up to par?

9                           A. Oh, yes, he's up to par.

10                          Q. So, again, you can't identify  
11 an individual at Inn who wasn't up to par,  
12 just Inn as a company wasn't up to par?

13                          A. Just Inn as a company.

14                          Q. Okay. So I know there's a lot.  
15 But can you give me an example of something  
16 that they weren't up to par with?

17                          A. Example? We are supposed to  
18 have six and-a-half individuals working in  
19 the management office. At times it was  
20 only three, three and-a-half, sometimes  
21 four.

22                          Q. Am I understanding --

23                          A. So we had --

24                          Q. -- that you're paying for six  
25 but getting three?

L. BOWRY

2           A.       So we had a skeleton crew for  
3       over a year and paying every month the full  
4       amount.  And when I point that out to them,  
5       I say I can't do this.

6 Q. You're paying for flesh and  
7 blood and getting bones?

8                   A.        That's right.   That's right.  
9   We're not doing business like this.

10 Q. What other problems did Inn  
11 have?

12           A.       Well, that was -- that was --  
13       and again, Concourse Village paid Inn to  
14       advertise to get people in here to work.  
15       Inn would take the money, advertise, get  
16       people to work, and then move these  
17       individuals after a couple of months to  
18       another site without replacing them in  
19       Concourse Village.

Q. Why was that a problem?

21           A.       It's a problem because you  
22 can't just take people from there and don't  
23 replace them.  We don't have enough people  
24 to work with.

25 Q. Okay. Were there any other

L. BOWRY

2           A.       Well, when people make  
3       complaints, I think it's my responsibility  
4       to check it out to see if what they're  
5       saying is true or not true. So I visit the  
6       areas. So I am familiar with the entire  
7       Concourse Village and the buildings.

8 Q. Could you describe the  
9 maintenance office for me?

10           A.       When you come into the door,  
11       the foyer -- you would find the foyer. You  
12       would find the men's card to clock in.  
13       Then you would find a clock there. I'm  
14       made to understand they just got that where  
15       it is a face recognition. And then on that  
16       side, it's -- you look inside and you see  
17       the two dispatchers sitting there. And you  
18       come in -- when you come into the  
19       dispatchers area, just behind the  
20       dispatchers area is the director's office.

21 Q. Have you ever seen anything  
22 related to the Family and Medical Leave Act  
23 in the maintenance office?

24 A. No.

Q. You've never seen --

1 L. BOWRY

2 A. NO.

3 Q. Any flyers?

4 A. No.

5 Q. Any posters?

6 A. No.

## 7 Q. Letters?

8 A. No.

9 Q. Anything related to the Fair  
10 Labor Standards Act?

11 A. No.

12 Q. No posters?

13 A. No.

14 Q. Do you know where an employee  
15 would find out information related to the  
16 Family Medical Leave Act?

17           A.       I think they would go to  
18 management or call Inn because that's the  
19 HR.   That's what I think.   But that's it.

20 Q. Do you know if Concourse  
21 Village employees were trained to contact  
22 Inn if they had any issues regarding FMLA?

23 A. I don't know.

24 Q. Did you ever direct any  
25 Concourse Village employees to provide, you

1                           L. BOWRY

2       know, information on how they can find out,  
3       information?

4       A.     No, no.

5       Q.     Do you know if James had done  
6       that on his own?

7       A.     I'm not sure.

8       Q.     Do you know if any Concourse  
9       Village employees does that on their own?

10      A.     No.

11      Q.     Do you know if Inn provides  
12       the training?

13      A.     If Inn provides --

14      Q.     Provides any training on FMLA?

15      A.     I'm not sure. I don't know. I  
16       don't know.

17      Q.     Do you know what Inn does?

18                          MS. MUNSKY: Objection to form.

19      A.     Um.

20                          MS. MUNSKY: You can answer if  
21       you understand the question.

22      A.     I know they manage or they seem  
23       to manage -- or the title that they got is  
24       to manage, but that's it.

25      Q.     So you know them -- strike

1                           L. BOWRY

2                           correct?

3                           A.       They're in the same building  
4                           and the stockroom is off by itself, yes.

5                           Q.       Who did Walter Elam report to  
6                           before Mr. James?

7                           A.       She rill Henry.

8                           Q.       And who did Calvin Reed report  
9                           to before Mr. James?

10                          A.       She rill Henry.

11                          Q.       And Walter Cory?

12                          A.       They all report to She rill  
13                          Henry.

14                          Q.       Moore too?

15                          A.       Yes.

16                          Q.       Who directed James to supervise  
17                          Walter Elam?

18                          A.       She rill Henry.

19                          Q.       And how do you know that?

20                          A.       Because Ms. Henry told me that  
21                          she is no longer supervising any  
22                          maintenance individual. Mr. James is here  
23                          to take that burden, that's what she said.

24                          Q.       So she told you that she's no  
25                          longer supervising maintenance individuals?

1                   L. BOWRY

2 question or She rill Henry. I don't know.

3                   Q. So what is the basis for you  
4 believing that the stockroom supervisor was  
5 under maintenance?

6                   A. Because when he reports to  
7 Ms. Henry, Ms. Henry told him, you no  
8 longer report to me, you have to report to  
9 Mr. James.

10                  Q. Were you there at that  
11 conversation?

12                  A. No, but this is what Ms. Henry  
13 said.

14                  Q. Ms. Henry told you that?

15                  A. Yes.

16                  Q. When was it Ms. Henry told you  
17 that?

18                  A. A while back. I can't remember  
19 the date.

20                  Q. Was it around the time that  
21 Mr. James was hired?

22                  A. Could have been, yes.

23                  Q. Was it after he was hired?

24                  A. Yes, it has to be after.

25                  Q. And what was the

1 L. BOWRY

2 responsibilities of the stockroom  
3 supervisor?

4           A.       That I -- I don't know. I  
5 just know he was in the stockroom and he do  
6 what he supposed to do. That's it. I  
7 don't know.

8 Q. So you don't know what his  
9 duties are?

10 A. NO.

11 Q. Do you know what he was  
12 supposed to do?

13           A.       I know he was supposed to take  
14 instructions from the maintenance director.

15 Q. From Mr. James?

16           A.       Yes, Mr. James in order to run  
17       that stockroom in a professional way.  
18       That's all I can say.

19 Q. But besides that, you don't  
20 know what he was responsible for?

21 A. No.

Q. Before April 20, 2015 did you receive any complaints about Walter Elam?

24 A. Um, no -- no.

Q. Did you ever receive any

1 L. BOWRY

2 complaints about Walter Elam?

3 A. Um, yes.

4 Q. When was the first time?

5 A. I don't know.

6 Q. Well, you know it was after  
7 April 20, 2015, correct?

A. No, I don't. No.

9 Q. Well, you testified that you  
10 hadn't before April 20, 2015. But you also  
11 testified that you've heard a complaint so  
12 it had to be after April 20, 2015?

13 A. That I what? What did you say?  
14 That I what?

15 Q. You just testified that you  
16 hadn't received any complaint prior to  
17 April 20, 2015, correct?

A.        Hmm hmm, yes.

19 Q. But you also testified that you  
20 had received complaints about him, correct?

21 A. I've testified that I have had  
22 a plaintiff?

23 Q. That you had received  
24 complaints about Walter Elam?

25 A. No, I never received any

1 L. BOWRY

2 complaints about Walter Elam.

3 Q. Nobody ever complained to you  
4 that he wasn't doing a good job?

5 A. Yes, but way after April 20th.

6 Q. Okay. That was my question.

7 A. Okay.

8 Q. Whether you received it after  
9 April 20, 2015, which you answered yes,  
10 correct?

11 A. Yes.

12 Q. But you don't remember  
13 precisely when you first received the  
14 complaint?

15 A. No.

16 O. It was in 2015, correct?

17 A. Hmm hmm.

18 Q. Was it between May and June  
19 2015?

A. I'm not certain about --

21 Q. You're not certain?

A. I'm not certain.

23 Q. Was it the spring or summer of  
24 2015?

A. It could have been in the

1 L. BOWRY

2 summer.

3 Q. It could have been in the  
4 summer?

5 A. Yes, could have been.

6 Q. And who complained to you?

7                   A.        Maintenance men.

8 Q. which?

9           A.       Maintenance men in Concourse  
10      Village.

## 11 Q. Specific names?

12 A. I don't remember who it is that  
13 complained to me, but they did complain.

14 Q. Okay. So maintenance men not  
15 Moore?

16 A. No, I mean the workers the  
17 handymen or the --

Q. Not supervisors?

19 A. No.

Q. So supervisors didn't complain to you, but a maintenance person did?

22 A. Yes.

Q. Did James ever complain to you about Walter Elam?

25 A. Yes.

1                           L. BOWRY

2     to do in order to fire a supervisor?

3     A.     He has to have meetings with  
4     him.

5     Q.     Okay.

6     A.     He has to write up papers on  
7     him to prove that he have spoken with him  
8     on these occasions. And after three  
9     warnings and write-ups, he has a right to  
10    terminate them.

11    Q.     So after three written  
12    warnings?

13    A.     Yes.

14    Q.     He would have the right to  
15    terminate?

16    A.     Yes.

17    Q.     Can he terminate the person  
18    independently or does he need to ask the  
19    board?

20    A.     No, he does not need to ask the  
21    board if he can do termination. He can do  
22    the termination; however, he must let the  
23    board know what he has done.

24    Q.     So he just needs to inform the  
25    board. That's his only obligation?

1 L. BOWRY

2 A. Yes.

3 Q. Was it Anthony James that fired  
4 Walter Elam?

5           A.       No, it was She rill Henry,  
6 myself, and about a couple of board  
7 members.

8           Q.        Okay.   So what was the --  
9       strike that.

Was your involvement in the decision by virtue of you being the president of the board?

13 A. Yes.

14 Q. Did you vote?

15 A. Vote to what?

Q. Terminate him.

17 A. No.

Q. Was there a vote?

19 A. No, there wasn't a vote.

20 Q. So could you tell me what  
21 happened?

22           A.       I got a -- we have a lot of  
23       complaints about Walter Elam not taking  
24       instructions. And when he's asked to  
25       report to Mr. James, he would say that he

1 L. BOWRY

2 A. Mr. James.

3 Q. And what did he say?

4           A.       He said that he would not take  
5 instructions.  He would not listen to me.  
6 He comes in when he wants to come in.  He  
7 leaves when he wants to leave.  He said, he  
8 is going to pick up merchandise and he come  
9 back with his empty hands with nothing.

10 Q. Did he say the words, and so he  
11 should be fired?

12           A.       Mr. James said if he cannot  
13 take instructions, then it's pointless to  
14 have him here.

15 Q. Who spoke next?

16 A. I did.

17 Q. And what did you say?

18           A.       I told him -- no, it wasn't  
19       me. It was She rill Henry that spoke next.  
20       Ms. Henry told him that, you know, I asked  
21       you to report to Mr. James. I asked you to  
22       do certain things with Mr. James and you  
23       refuse. And this is the consequences of  
24       what happen.

25 O. I'm sorry. Was Walter at that

1                           L. BOWRY

2     director for them to sit down and see what  
3     it is.

4     Q.     So it's the director who  
5     ultimately decides what's ordered?

6     A.     Yes.

7     Q.     And the director, you mean the  
8     lead supervisor?

9     A.     Yes.

10    Q.     That was Anthony James?

11    A.     Yes.

12    Q.     And Anthony James became the  
13    director after he was lead supervisor?

14    A.     Yes.

15    Q.     And Calvin Read, what did he  
16    complain about?

17    A.     That every time he goes to the  
18    stockroom and we ask for things we didn't  
19    have it. And we have millions of dollars  
20    in the stockroom and we didn't have it.

21    Q.     Is it that the stockroom didn't  
22    have it or that he couldn't find it?

23    A.     I don't know. That I don't  
24    know, sir.

25    Q.     What did you do with this

1                           L. BOWRY

2         were the performance objectives?

3                           A.     He was told to give an  
4         inventory sheet of everything that is in  
5         there. He was told to label on the wall  
6         what he has in front of each area and he  
7         refused. He gave about six to eight pieces  
8         of information that he written and was not  
9         professional enough from a stockroom.

10                          Q.     Is it, in your opinion, that it  
11        wasn't professional enough or is there a  
12        written policy?

13                          A.     No, it is my opinion it wasn't  
14        professional because I did stockroom clerk  
15        for a liquor store. I know what to put  
16        down, everything to put down, and then  
17        label it, and turn it over the way it's  
18        supposed to be done.

19                          Q.     So my question is, is it your  
20        opinion that it wasn't professional or is  
21        it violating some policy at Concourse?

22                          A.     No, it was Mr. James and  
23        Ms. Henry's --

24                          Q.     Opinion?

25                          A.     Opinion that this was not

1                           L. BOWRY

2 professional.

3                           Q. And what made it not  
4 professional?

5                           A. Because, like I said, we have a  
6 whole lot of things in the stockroom, how  
7 can you only put down eight items and write  
8 it in pen.

9                           Q. Was that it, that it was  
10 written in pen part of the problem?

11                          A. I would like to think so, yes.

12                          Q. So it was written in pen. That  
13 was part of the problem, that there were  
14 eight things and there were more than that  
15 in the stockroom was part of the problem?  
16 Was there any other problem with the  
17 inventory sheet that Elam provided?

18                          A. That wasn't an inventory sheet  
19 that was a piece of paper that was pull out  
20 and write some stuff on it.

21                          Q. So that wasn't even an  
22 inventory sheet in your opinion?

23                          A. That wasn't an inventory sheet.

24                          Q. It was an attempt in making an  
25 inventory sheet, right?

L. BOWRY

2 A. Ms. Henry said if you don't  
3 understand come and we'll sit with you and  
4 tell you. He decide that no.

5 Q. Did he decide no in front of  
6 you?

7           A.       No, I'm just saying he decide  
8       no, because he did not go to Ms. Henry, he  
9       did not go to Mr. James.

10 Q. And how do you know that?

11           A.       He just complained to others,  
12 other shareholders on the plaza, which I'm  
13 aware of because they have come to me and  
14 tell me.

15 Q. How do you know that he didn't  
16 go to Henry or James in order to find out?

17           A.       Because Ms. Henry said he never  
18       came to her.

19 Q. Was there anything else  
20 concerning performance objectives that he  
21 hadn't obtained?

22 A. It was not up to par.

23 Q. With respect to the inventory  
24 sheet, we covered that. Was there anything  
25 else?

1                           L. BOWRY

2     would hear complaints regularly from  
3     maintenance men?

4     A.     I would hear complaints from  
5     them. And I would advise them to go see  
6     Ms. Henry.

7     Q.     Did you ever learn of Walter  
8     being suspended?

9     A.     I think I heard something about  
10    suspension, but I'm not too sure.

11    Q.     What did you hear?

12    A.     I think I hear that he was  
13    suspended, but I'm not too sure.

14    Q.     Who did you hear it from?

15    A.     I think it's Ms. Henry.

16    Q.     Ms. Henry told you that he was  
17    suspended?

18    A.     I think he was suspended before  
19    I got on the board so, you know, when all  
20    this thing came up, about, you know, the  
21    stockroom, that's when she told me that --  
22    you know, I think she told me that, you  
23    know, he was suspended at one time.

24    Q.     What was your official start  
25    date on the board?

L. BOWRY

2 A. Me?

3 Q. Yes.

4 A. January 2015.

Q. So you don't know anything about a June 30, 2015 suspension?

7 A. NO.

8 Q. No?

9 A. No.

Q. Nothing about Walter Elam being suspended around the end of June 2015?

12           A.       No, I heard about it, you know,  
13       but I just did not -- I went along.

14 Q. So you did hear about it?

15           A.       I did hear that he was  
16 suspended or supposed to be suspended, but  
17 that's all I heard.  I never asked why,  
18 where, when.  I didn't ask those questions.

19 MR. RIVERA: Can you mark this,  
20 please as 6.

21 (Whereupon, the aforementioned  
22 document was marked as Bowry Exhibit  
23 6 for identification as of this date  
24 by the Reporter.)

25 Q. I'm passing the witness a